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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 United States of America, ) CR 13-196-TUC-CKJ (BPV)  
9 Plaintiff, )  
10 vs. )  
11 Brenden William Vermilyea, )  
12 Defendant. )

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**O R D E R  
CONTINUING PLEA DEADLINE  
AND TRIAL**

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14 This case is presently set for trial on April 30, 2013. The Defendant filed a motion  
15 to continue and, for the reasons set forth therein, additional time is required to adequately  
16 prepare for trial. The Government has no objection to a continuance.

17 The Court finds that the ends of justice served by granting a continuance outweigh  
18 the best interests of the public and the Defendant in a speedy trial because, for the reasons  
19 set forth in the motion, failure to grant the continuance is likely to result in a miscarriage  
20 of justice if the Defendant is required to go to trial on the present trial date.

21 IT IS ORDERED as follows:

22 1. The date by which the referred magistrate judge hears the change of plea must  
23 be no later than May 17, 2013 by 3:00 p.m.

24 2. All motions, unless made during a hearing or trial, shall be in writing and shall  
25 be made sufficiently in advance of trial to comply with the time periods set forth in  
26 LRCiv. 7.2 and any court order and to avoid any delays in the trial. Pretrial motions may  
27 be heard before a magistrate judge and a Report and Recommendation will be provided to  
28 the district judge assigned to the case.

1       3. This matter is RESET for trial on **June 4, 2013 at 9:30 a.m.** Counsel are to be  
2 **present at 9:00 a.m.**

3       4. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on  
4 May 1, 2013 and end on June 4, 2013. Such time shall be in addition to other excludable  
5 time under the Speedy Trial Act and shall commence as of the day following the day that  
6 would otherwise be the last day for commencement of trial.

7       5. That any and all subpoenas previously issued shall remain in full force and  
8 effect through the new trial date.

9       6. Any motion or stipulation to continue the scheduled trial date and change  
10      of plea deadline shall be filed with the Clerk of Court no later than 5:00 p.m.,  
11      Monday, May 20, 2013. Alternatively, by that same deadline, if after consultation  
12      between government and defense counsel it is determined that a motion to continue  
13      the scheduled trial date and change of plea deadline will not be filed, government  
14      counsel shall notify the Court by an email to the chambers email address that the  
15      case and counsel are ready to proceed to trial on the scheduled trial date. The  
16      notification shall also include the estimated number of trial days needed to complete  
17      the trial.

18 || DATED this 15th day of April, 2013.

Lucy K. Jorgenson  
Gardens, V. I.